



UNITED STATES DEPARTMENT OF EDUCATION

STUDENT FINANCIAL ASSISTANCE

REGION II
75 PARK PLACE
NEW YORK, NY 10007

March 22, 2002

Sister Ann Sakac
President
Mount Saint Mary College
330 Powell Avenue
Newburgh, New York 12550

Certified Mail
Return Receipt Requested

Re: Final Program Review Determination
PRCN 200140218884
OPEID 00277800

Dear Sister Sakac:

Thank you for your institution's response dated March 1, 2002, which our office received on March 4, 2002 in response to the February 1, 2002 Title IV program review report. That report covered Mount Saint Mary College's (the College) reporting under the Campus Security Act of 1990 for the 1997, 1998 and 1999 calendar years.

The New York Case Management Team has made final determinations for all of the findings in the program review report. The purpose of this Final Program Review Determination letter (FPRD) is to address those findings and close the program review.

The College has acknowledged the problem with the incorrectly reported sex offenses in 1998 and 1999, and the other underreported incidents on the Campus Security Reports (CSR), and has included corrected data regarding those incidents on the current CSR. The College has also strengthened its procedures to ensure that all incidents are properly reported.

The College has strengthened its timely warning procedures to ensure that students and employees are promptly informed of crimes, which may indicate a continuing threat. In its response, the College states that it did not conclude that the two (2) forcible sexual assaults reported in November 2000 and February 2001 constituted a threat to the college community. Although the regulations provide discretion to the institution to determine when crimes constitute a threat, we believe that the severity of the reported offenses required that timely warning be given in these cases. In light of the fact that the regulations permit some discretion, and considering the College has strengthened its procedures for timely warning, we consider this issue resolved.

The College also indicated that it has revised its public crime log to include all required elements, and has implemented all of our other recommendations for improving the CSR process.

Although we believe that the College has taken appropriate corrective actions in response to our report, it does not change the fact that the College did not properly report all crime incidents in 1998 and 1999, as well as the issues identified in other findings in the program review report. As a result of those problems, the New York Case Management Team is referring this FPRD to Administrative Actions and Appeals (AAA) for its consideration for a possible fine action pursuant to 34 CFR, Part 668, Subpart G of the Student Financial Assistance General Provisions. If AAA initiates any action, its notification will include information on institutional appeal rights and procedures on how to file an appeal.

The institution should be aware that repeat findings in future program reviews or failure to satisfactorily resolve the findings of this program review may lead to additional administrative proceedings to fine, limit, suspend, or terminate the institution pursuant to Part 668, Subpart G, of the Student Assistance General Provisions regulations.

Furthermore, the College must ensure that your independent auditor confirms the resolutions of the program review findings during the institution's next SFA audit.

Record retention requirements that pertain to program records relating to the period of time covered by this program review appear at 34 CFR 668.24.

Your continued cooperation throughout the program review process is appreciated. If you have any questions concerning this final program review determination, please contact Steve Eisenberg at 718-488-3575.

Sincerely,



Robert J. McKiernan, Area Case Director
Case Management Division - Northeast
New York Team

bcc: Reading file
School file
Correspondence file
Steve Eisenberg
Robert McKiernan